

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

**FEDERICO GUILLERMO KLEIN,
also known as “Freddie Klein,”**

Defendant.

Case No. 21-CR-236 (JDB)

ORDER

Defendant is charged via indictment with three felony and five misdemeanor offenses related to the events that occurred at the United States Capitol on January 6, 2021. The Court ordered that defendant be released from custody pending trial on certain conditions on April 12, 2021. See April 12, 2021 Order [ECF No. 30]. The Court previously granted the government’s requests, over defendant’s objection, to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., from March 26, 2021 to April 9, 2021, and from April 9, 2021 to May 10, 2021. The Court set forth the factual and statutory bases for those decisions in its March 26, 2021 Order and its April 12, 2021 Memorandum Opinion. See March 26, 2021 Order [ECF No. 18]; April 12, 2021 Mem. Op. [ECF No. 29] at 26–28; see also April 12, 2021 Order. The parties then agreed on May 10, 2021 to exclude time under the Speedy Trial Act from that date through June 10, 2021 to allow additional time for discovery and for the government to extend an initial plea offer. The Court granted that request orally. See Min. Entry (May 10, 2021).

At today’s status hearing, the Court scheduled another status conference for July 13, 2021. The government again moved orally, without defendant’s consent, to exclude the intervening time under the Speedy Trial Act. The government reported that it had produced additional case-specific discovery to defendant since the May 10, 2021 status hearing and had also selected a vendor to

handle the broader set of discovery that concerns all cases connected to the January 6 events. However, according to the government, it still requires additional time to work with its vendor to organize and produce the full scope of discoverable materials. The government also stated that it plans to produce some further case-specific discovery to defendant later this week and that it had recently extended a plea offer to defendant, but had not yet heard back.

In its March 26 and April 12 decisions addressing speedy trial issues, the Court detailed the complexity associated with discovery in this case and now incorporates those findings here in their entirety. The Court finds that for the same reasons stated in those decisions,¹ as well as the time needed to review additional discovery and to respond to the government's plea offer, it is unreasonable to expect adequate preparation for pretrial proceedings or trial itself within the time limits established by the Speedy Trial Act and the failure to grant a continuance would likely result in a miscarriage of justice. Hence, under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (ii), the ends of justice served by continuing this matter from June 10, 2021 to July 13, 2021 outweigh the best interest of the public and the defendant in a speedy trial.²

* * *

For the reasons explained above, it is hereby **ORDERED** that this matter is continued until and a further status conference is set for July 13, 2021 at 11:30 a.m.; and it is further **ORDERED** that the time period from June 10, 2021 through and including July 13, 2021 is hereby excluded from the computation within which a trial must commence under the Speedy Trial Act, 18 U.S.C.

¹ The only reason identified in those decisions that is no longer pertinent regards defendant's filing of his motion to revoke his detention order, which tolled the speedy trial clock under 18 U.S.C. § 3161(h)(1)(D) and (H). That motion has now been granted, as explained above.

² The Court again notes that, in light of the "exigent circumstances created by the COVID-19 pandemic," Chief Judge Howell has also entered a District-wide Standing Order excluding time through August 31, 2021 under 18 U.S.C. § 3161(h)(7)(B)(i) in all criminal cases "that cannot be tried consistent with [] health and safety protocols and limitations." See Standing Order No. 21-10 (BAH) (Mar. 5, 2021).

§ 3161 et seq.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: June 10, 2021